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DATA REGARDING THE CASE CONCERNING TWO YOUNG CHILDREN FROM EAST TIMOR NOW LIVING WITH THEIR GRANDMOTHER IN SOUTH AUSTRALIA AND SEEKING TO GAIN A RESIDENTIAL PERMIT TO STAY PERMANENTLY IN AUSTRALIA.

(1) Generally speaking the East Timorese have great difficulty with the official Immigration and Ethnic Affairs forms issued by the Australian Federal Government. These forms require people to provide the country of birth and, for them, it is East Timor, but this is now recorded as forming part of Indonesia.
Older East Timorese would have had a Portuguese passport but, since 1976, all persons leaving East Timor must receive their passport from the Indonesian administration. When the East Timorese seek domestic protection they fear that, because the Australian Federal Government has in the past granted both *de facto* and *de jure* recognition to Indonesian authority to rule in East Timor, they might be regarded as Indonesian nationals and sent back to Djakarta, although they see themselves as being persecuted by the Indonesians.

How then can they be given a fair hearing as East Timorese?. This is a separate issue from the political question of what is their country of birth called today.

This is the first problem I have in trying to gain permission for these two young children to stay in Australia. A new Immigration Act was passed in Canberra in September 1994. This says that, even if accepted as holding refugee status, persons seeking asylum in Australia may possibly have a country of third refuge. This Act was brought in because of the increasing numbers of South East Asian peoples - mainly Chinese - arriving in the northern parts of Australia without having made application of any kind to do so.

However it is also being used against the East Timorese (in an Australian Federal Government effort not to offend the Indonesians) and they are now presumed to have Java as a country of third refuge if they fear to return to East Timor.
Such cynicism is particularly repugnant to the many Australians who still know of, and appreciate so much, the contribution made to the defence of Australia by the East Timorese and by those Portuguese who gave their lives in the fight against Japan during the Second World War.

Sadly, many persons in positions of power in the Australian Government and its Bureaucracy are making every effort to expunge this knowledge from Australia's official historical records of this war.
I have been central to a scheme to oppose this and, on April 25th 1995, the fiftieth year of the end of the Second World War, we are determined that **official recognition** shall be accorded to those brave men and women: their sacrifice to be publicly acknowledged and remembered.
We hope to achieve this by insisting on direct references to them as an inclusion in the inscriptions on the official wreathes to be laid at war memorials throughout Australia during the religious Dawn Services of remembrance.

(2) The threats against the safety and wellbeing of women and girls in East Timor is well documented but constantly denied by ABRI, the Indonesian military. Yet in

spite of repeated and constant complaints the Indonesian soldiers continue to sexually harass and abuse the East Timorese female population.

There are many extant reports of women being placed into 'comfort units' for the benefit of the soldiers and, on becoming pregnant, forced to have the children. For those who manage to evade such degrading experiences they are subjected to forced injections of Depo Provera as a policy of sterilisation.
Currently some East Timorese, safely resident in Australia, are paying bribes to prevent young girls in East Timor from being raped by the Indonesian soldiers. One particular family is paying approximately $400:00 (A) per month because they have several young girls in East Timor who are unable to even bribe their way out of Dili and gain permission to come to Australia on a 'temporary visitor' visa. However there is no guarantee that such payments either are, or will be, successful in their purpose and could still lead to forced sterilisation of the girls for whom this 'protection money' is being paid.

Because the children I am seeking to defend belong to a Liurai family, the majority of whom are bitterly opposed to the Javanese 'takeover', the females have always been specifically targetted for the most degrading treatments, both by ABRI and from the civilian transmigrants from other parts of Indonesia who are now settled in East Timor.
Since the girl seeking residency in Australia is now approaching puberty it would be an act of extreme callousness to return her to a situation where she would either be subjected to unwelcome attentions in a 'comfort unit' or be forcibly sterilised.

Her great grandfather sheltered, and then assisted in the escape from East Timor, of a considerable number of Australian soldiers during the period of the island's occupation by the Japanese invaders.When his actions were finally discovered by the Japanese both he and his family were severely abused, both physically and economically. (Incidently, while this was occurring in East Timor, General Suharto, as a young officer, was training with one of the élite Japanese army units).

In recent conversations, with a few of the remaining Australian survivors of this traumatic period in Australian and Timorese history, they have all testified that they could not have survived the war without the help of the Timorese and some of the Portuguese like Lieutenant Pires. This help was given unstintingly at a time when it seemed that the war would end with Japan triumphant.
These Australian ex-servicemen, a number of them disabled through their war-service, and now showing the effects of advancing years, are vociferous when they express to me their disgust at the behaviour of the Australian Federal Government in signing the agreement with Indonesia concerning the Timor Gap oil supplies.

They are also deeply despondent over the attitudes of many post-war migrants to Australia who do not share their sense of a debt of honour to the descendants of those people who helped to turn the tide of war away from a Japanese invasion of Australia in 1942.
Politically this is true because such 'ethnic voters', as they are termed in this country, have assisted in no small measure to the ignoring of the debts of honour incurred in the past. They have certainly encouraged the Australian Federal

Government in its failure to maintain the highest ethical standards in its international behaviour,through the continuance of their political support. Much of this action has been the result of their crass ignorance of the realities of the histories of the European contacts with south east Asian and Pacific regions since the fifteenth century voyages of discovery were first initiated by Portugal.

(3) One of the problems in preparing the case as 'Last Defender' for these children is that a number of their family are still trapped in East Timor with, it seems, little hope of escape, and in serious danger of reprisals because of the applications now being made on behalf of the children

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In many ways the behaviour of the Indonesian authorities is comparable to the patterns established by other forms of dictatorship so often witnessed in the twentieth century. Sadistic forms of command, control, and exploitation of those holding differing views become the norm. Then, when reaching a crisis point, these can swiftly result in the elimination of such opposition, through the many techniques of torture and trauma being applied to those unable to escape and thus, through the ties of affection and blood, applied equally to those who have succeeded in leaving the police State.

To achieve this situation the Indonesians issue a few travel permits, to some members of a family, while the rest of the family have to remain as hostages for the good behaviour of those 'permitted' to escape,for a while,from what is virtually an 'iron curtain'.
Those remaining under Indonesian rule are then persecuted in numerous ways if refugee applications are made to the host government from those who have travelled on the Indonesian granted 'permit'. Indonesian observation over the East Timorese is so good, and so easy to organise, that it can truthfully be asserted that the Indonesians risk nothing while the East Timorese risk everything. As individuals and as families, if the East Timorese seek asylum as refugees then they know that the family members remaining in their land will suffer greatly unless they too can escape.

Looked at from the official Indonesian point of view this is quite desirable. Not only is there the macabre 'amusement' of watching an enemy undergo various forms of physical, and psychological torture but, in the last analysis, their death will make more space for the increasing progress of the 'transmigrassi' schemes now well underway to East Timor and Irian Jaya from the overcrowded communities in Java, Macassar, Flores, and Bali.

It will be readily understood from this that even Portugal's admirable stand concerning the need for a referendum on self-determination for the East Timorese will now probably result in a false result. This is because there are now so many inhabitants in East Timor who are not genuine East Timorese and this would definitely skew the final results.

In this information to you I have tried to 'blur' the identities of the two children and their families. Such precaution is necessary because, in Australia, the Indonesian government is quite disproportionately represented, particularly in some places in

Australia and their Secret Service networks are very good.
So much so that there were recent enquiries from them, through the Australian embassy in Djakarta, concerning myself and my *general activities* : (I am uncertain whether to feel gratified or annoyed at such specialised attention!.)
For example in the Northern Territory Indonesia has a full consular representation for a total population of 100,000 - of whom 2,000 are East Timorese.
Furthermore it has now become the practice of the Australian government to send all requests for refugee status for East Timorese to the Australian Embassy in Djakarta for verification of the applicants and, since the locally engaged staff at the Embassy,(that is those other than Australian government officials) are always Indonesian it is almost impossible to guarantee the confidentiality of ANY information.

An example of the increased tightening of Indonesia's grip upon East Timor may be also be gauged by:-

(a) the increasing number of 'disappearances' of East Timorese adults and children.

(b) the ABRI sponsored night 'raids' by the *Ninjas* , small groups of teenage ruffians whose sole intention is to promote civic unrest and give ABRI the excuse to tighten the restricitons upon the East Timorese still more.

In addition to these evidences of overt aggressions there is increasing unrest and resentment of East Timorese against the newly settled peoples from other parts of Indonesia. The recent stabbing to death of East Timorese in Baucau was a direct result of a disgreement between Macassans and East Timorese. The comment was made ' The Macassans won't discuss anything - they just use their knives'.

In realisation of the current misery being experienced by the East Timorese it may be helpful to those of you who reside on the other side of the world if I tell you that even Australia's Foreign Minister - Gareth Evans - has recently revisited Indonesia to urge the government to address the East Timor question with improved regard for human rights and for the population's needs.

When I heard that this most pro-Indonesian of Federal Government Ministers had taken this action I almost permitted myself to dare to hope that the application on behalf of these two children might meet with some success.

Then, because experience has shown me that 'leopards rarely change their spots', I tried to think of other possible reasons for Senator Evan's apparent change of heart.
It is of course well known that he craves either promotion to become U.N. Secretary General when Bhoutros Bhoutros Ghali resigns, or be granted the opportunity to become Chief Justice of the High Court of Australia. There are many honourable people in this country who will devoutly hope that neither situation eventuates!.

My compliments to you Professor Magalhães and my best wishes to all attending the Conference. I am truly sad not to be with you.

Yours J.E. King Bayes.

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